

WSR 23-11-098
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-77—Filed May 19, 2023, 8:36 a.m., effective May 23, 2023]

Effective Date of Rule: May 23, 2023.

Purpose: The purpose of this emergency rule is to open hatchery spring Chinook seasons in the Snake River.

Citation of Rules Affected by this Order: Amending WAC 220-312-050.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Increased fish passage at Bonneville Dam has given certainty to managers that there are greater numbers of hatchery spring Chinook available to harvest and allow for four days of fishing on the Snake River. WDFW Commission Policy C-3630 provides structure for Snake River Spring Chinook Fishery and the *U.S. v. Oregon* (2018-2027) Management Agreement provides Endangered Species Act (ESA) coverage for this fishery.

The Washington department of fish and wildlife will monitor spring Chinook returns throughout the season and may close the fishery at any time due to harvest levels, ESA impacts, in-season run adjustments, or a combination thereof.

There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 19, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-05000Z Freshwater exceptions to statewide rules—Eastside. Effective May 23, through May 26, 2023, the following provisions of WAC 220-312-050, regarding salmon seasons in the Snake Riv-

er shall be open as follows. All other provisions of WAC 220-312-050 remain in effect unless modified by emergency rule:

(1) Snake River (Franklin/Walla Wall Counties): From Texas Rapids boat launch (south side of the river upstream of the mouth of Tucannon River) to the fishing restriction boundary below Little Goose Dam and including the rock and concrete area between the juvenile bypass return pipe and Little Goose Dam along the shoreline of the facility:

Salmon:

- (a) Open May 23 and May 26, 2023, only:
- (b) Daily limit 4, of which up to 1 adult may be retained. Release all salmon other than hatchery Chinook.
- (c) Night Closure.
- (d) Barbless hooks required.
- (e) Salmon may not be removed from the water unless retained as part of the daily limit.

(2) Snake River (Franklin/Walla Wall Counties): the South Bound Highway 12 Bridge near Pasco upstream about 7 miles to the fishing restriction boundary below Ice Harbor Dam: Salmon:

- (a) Open May 24 and May 25, 2023, only:
- (b) Daily limit 4, of which up to 1 adult may be retained. Release all salmon other than hatchery Chinook.
- (c) Night Closure.
- (d) Barbless hooks required.
- (e) Salmon may not be removed from the water unless retained as part of the daily limit.

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Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.